

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHAWN ELLIOTT BOYCE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 12-cv-05385 JRC

ORDER GRANTING STIPULATED
MOTION TO REVERSE AND
REMAND FOR FURTHER
CONSIDERATION

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. (*See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, ECF No. 3; Consent to Proceed Before a United States Magistrate Judge, ECF No. 4.) This matter is before the Court on defendant's stipulated motion to remand the matter to the Commissioner for further consideration. (ECF No. 17.)

After reviewing defendant's stipulated motion and the remaining record, the Court grants defendant's motion, and REVERSES and REMANDS this matter to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, the Administrative Law Judge (ALJ) shall consider the new evidence
2 submitted after the ALJ's decision, including the June 2010 MRIs of Plaintiff's lumbar and
3 cervical spines. If necessary, the ALJ also shall re-assess Plaintiff's residual functional capacity
4 on the updated record; further consider whether or not Plaintiff has past relevant work that he is
5 capable of performing, considering all assessed limitations; and obtain testimony from a
6 vocational expert concerning Plaintiff's ability to perform his past relevant work and clarifying
7 the effect of the assessed limitations on Plaintiff's occupational base.

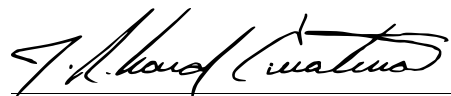
8 The ALJ should take any other actions necessary to develop the record. In addition,
9 plaintiff should be allowed to submit additional evidence and arguments to the ALJ on remand.

10 Plaintiff is entitled to reasonable attorney fees pursuant to 28 U.S.C. § 2412, following
11 proper request to this Court.

12 Given the facts and the parties' stipulation, the Court hereby orders that the case be
13 **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

14 Judgment is for **Plaintiff** and this case shall be closed.

15 Dated this 1st day of October, 2012.

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17 J. Richard Creatura
18 United States Magistrate Judge
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